



DRAFT Proposed West Linn Historic Code

CHAPTER 2 DEFINITIONS

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HISTORIC DEFINITIONS. The following terms and phrases shall have the meanings given to them below with regard to CDC Chapter 2X, Historic Resources:

Alteration. Physical modification of the exterior of a historic resource that does not include an expansion of the building footprint. Partial demolition of a structure is an alteration. Alterations do not include painting and color section or ordinary maintenance or repair of the resource.

Addition. Expansion or physical modification of the exterior of a historic resource that includes the expansion of the building footprint. Additions do not include painting and color selection or ordinary maintenance or repair of the resource.

Building. A structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.

Demolition. The entire removal of a structure. Demolition of a portion of a structure is an alteration.

Demolition by Neglect. The gradual deterioration of a building when routine or major maintenance is not performed. This includes any structural deficiency or a deficiency in a building part, which when left unrepaired could lead to deterioration of the building's structural frame and/or if it is open to entry by vandals or vagrants.

Eligible/Contributing. A building, structure, object, or site originally constructed within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history.

Historic district. A geographically definable area containing a significant concentration, linkage, or continuity of buildings, structures, sites, or objects united historically or aesthetically by plan or physical development, and listed as a historic district in the National Register or designated as a local historic district. A historic district may also comprise individual elements separated geographically but linked by association or history. Historic districts are defined by a period of significance.

Historic preservation. Preservation, restoration, or rehabilitation of a historic resource.

Historic landmark. A building, structure, site, or object listed individually on the National Register or designated as a local historic landmark by the City Council.

Historic resource. A historic landmark or historic district listed on the National Register or designated as a local historic landmark or historic district by the City Council.

National Register of Historic Places. The nation's official list of buildings, structures, sites, objects, and districts important in the nation's history and maintained by the National Park

Service in Washington, D.C., and hereinafter referred to as the “National Register”.

Non-Contributing. A building, structure, object, or site originally constructed within the applicable period of significance that does not retain or exhibit sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties do not strengthen the historic integrity of an existing or potential historic district in their current condition.

Not in Period. A building, structure, object, or site that was originally constructed outside a historic district’s applicable period of significance.

Not in Period Compatible. A building, structure, object or site built after the period of significance with a degree of craftsmanship and that is compatible with the architecture of the district.

Not in Period Non-Compatible. A building, structure, object or site built after the period of significance that is generally incompatible with the architecture of the district.

Object. A material thing of functional, aesthetic, cultural, historic or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Original. A component that was constructed on or added to the building during the period of significance.

Period of significance. The dates stated in the official designation of a historic district that identifies the period or periods of time when the geographic area attained the characteristics which qualify it for designation as a historic district.

Primary structure. The principal structure on a site, typically a residence or a commercial building.

Primary façade. That part of a historic resource where the main entry is located. On a corner lot each wall fronting the street shall be considered a primary façade.

Property pending designation. A building, structure, site, or object for which a formal application for local historic designation has been initiated, or for which an application has been submitted to the State Historic Preservation Office for nomination to the National Register, or a building, structure, site, or object within a proposed historic district for which a formal application for historic designation has been submitted, but which have not yet been reviewed by the Keeper of the National Register, or has been reviewed by the Keeper and determined to be "eligible."

Preservation. The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic resource. Work, including preliminary measures to protect and stabilize the resource, generally focuses on the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior

additions are not considered preservation; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

Restoration. The act or process of accurately depicting the form, features, and character of a historic-contributing resource or historic-non-contributing resource as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

Rehabilitation. The process of making possible a compatible use for a historic-contributing resource or individually listed resource through repair, alterations, and additions, while preserving those portions or features which convey its historical, cultural, or architectural values.

Reconstruction. The act or process of depicting, by means of new construction, the form, features, or detailing of a non-surviving building, or structure for the purpose of replicating its appearance at a specific period of time and in its historic location.

Site. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

Visible. The resource or a portion of the resource that can be seen from the public right of way. For example, typically the primary façade of a historic resource can be seen from the public right of way.

BACKGROUND – UNIVERSAL

Section 2X.010 PURPOSES

The purposes of this chapter are to:

- A. Foster community and neighborhood pride and sense of community identity based on recognition and use of historic and cultural resources.
- B. Identify and protect the City's historic resources, including the diverse architectural styles that reflect the phases of the City's history.
- C. Encourage preservation and use of historic sites, structures, and districts within the City that reflect special elements of its historical, architectural, archeological, artistic, cultural, and engineering heritage.
- D. Provide procedures and establish approval criteria for all reviews of proposed alterations of historic structures and sites and other development in historic districts.
- E. Increase economic and financial benefits to historic property owners and the community.
- F. Ensure that changes to designated historic resources protect the integrity of the resource and the significant aspects of the area's heritage.

- G. Provide design guidelines that will ensure the quality and historic integrity of historic landmarks and their site, and ensure compatibility and consistency with the qualities of the respective historic district its nomination was intended to preserve.
- H. Provide for creation of new historic districts and designation of new landmarks, as appropriate, and to allow removal of such designations if they are no longer appropriate.
- I. Provide a process to enable thoughtful consideration of the proposed demolition of historic structures.

Section 2X.020 USE OF THIS CHAPTER

A. APPLICABILITY

This chapter shall apply to all properties designated as historic resources as shown on the City's zoning map and properties listed on the National Register.

B. HIERARCHY OF REGULATION

The provisions of this chapter shall supersede any conflicting standards or criteria elsewhere in the CDC.

1. The items listed in Section 2X.050 A, **EXEMPT FROM HISTORIC DESIGN REVIEW** are exempt from historic review provided that they comply with the requirements of Section 2X.050 A.
2. Section 2X.060, **DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES** applies to historic reviews for designated properties .
3. Except for new construction, Section 2X.060 A, **STANDARDS FOR ALTERATIONS AND ADDITIONS**, applies only to alterations and additions for historic resources.
4. Section 2X.060 B, **STANDARDS FOR ACCESSORY STRUCTURES**, applies only to accessory structures on historic resources.
5. Section 2X.070, **ADDITIONAL DESIGN STANDARDS APPLICABLE TO HISTORIC DISTRICTS**, provides additional standards that are applicable to historic reviews for historic district properties.
6. Section 2X.070 A, **STANDARDS FOR ALTERATIONS AND ADDITIONS**, applies only to historic review in the historic district.
7. Section 2X.070 B, **STANDARDS FOR NEW CONSTRUCTION** applies only to new development or construction in a historic district beyond alterations and additions, and including accessory structures.
8. Section, 2X.070 C, **WILLAMETTE HISTORIC DISTRICT GENERAL STANDARDS** applies only to alterations and additions, new construction, and accessory structure construction in the Willamette Historic District.

C. APPLICABILITY OF HISTORIC DESIGN STANDARDS

Development subject to this Chapter must comply with applicable historic review standards unless otherwise approved through the Modifications process under Section 2X.040. The "X" in the following chart indicates which standards are applicable to different types of development.

STANDARDS APPLICABILITY MATRIX						
SECTION	PROPOSED ACTIVITY	ADDITIONS AND ALTERATIONS	ADDITIONS AND ALTERATIONS	NEW CONSTRUCTION	ACCESSORY STRUCTURES	ACCESSORY STRUCTURES
	LOCATION	HISTORIC LANDMARK	HISTORIC DISTRICT	HISTORIC DISTRICT	HISTORIC LANDMARK	HISTORIC DISTRICT
2X.070 DESIGN STANDARDS APPLICABLE TO HISTORIC LANDMARKS AND HISTORIC DISTRICTS	A. STANDARDS FOR ALTERATIONS AND ADDITIONS	X	X		X	X
	B. STANDARDS FOR ACCESSORY STRUCTURES				X	X
2X.080 ADDITIONAL DESIGN STANDARDS APPLICABLE TO HISTORIC DISTRICTS	A. STANDARDS FOR ALTERATIONS AND ADDITIONS		X			X
	B. STANDARDS FOR NEW CONSTRUCTION			X		X
	C. WILLAMETTE HISTORIC DISTRICT GENERAL STANDARDS		X	X		X

Section 2X.030 USES

A. PERMITTED USES

Unless otherwise provided in this chapter, all uses permitted by the base zoning district that are in accordance with the CDC are allowed on historic resources.

B. CONDITIONAL USES

Uses listed as Conditional Uses in the base zoning district are allowed in historic districts and landmarks subject to CDC Chapter 60, Conditional Uses, provided that the applicant demonstrates that if the use is allowed it will:

1. Preserve or improve a historic resource which would probably not be preserved or improved otherwise;
2. Not unreasonably deny solar access, light or air to an adjacent structure;
3. Not adversely affect surrounding structures, including, but not limited to, significant traffic or visual impacts; and
4. Utilize existing structures rather than new structures.

Section 2X.040 MODIFICATIONS TO CODE REQUIREMENTS

This section provides for deviation from site development standards in this CDC to enable flexibility and innovation that best serve the Purposes of this chapter while ensuring that the values that historic designations are intended to preserve are maintained. The provisions of CDC Chapter 75, Variance, shall not apply.

When an applicant proposes an alternative to the standards of this chapter, or standards elsewhere in the CDC, the approval authority shall grant a modification when:

1. The resulting development of the proposal would be consistent with the purpose of the standards for which the modification is requested, and

2. Negative impacts to adjacent homes and/or a historic district will be minimized. These include, but are not limited to, loss of solar access, light, or air to an adjacent structure, and scale or mass that visually overwhelm or are not deferential to an adjacent landmark or contributing structure;
4. The applicant is incorporating exceptional and appropriate architectural elements into the building; or
5. The applicant demonstrates by review of historical records or photographs that the proposed alternative is consistent with and appropriate to the architecture in the Historic District, or is appropriate to the specific style of architecture proposed.

Section 2X.050 HISTORIC DESIGN REVIEW PROCESSES

Changes to historic resources are addressed by Section 2X.050 A, Exemptions from Historic Design Review; Section 2X.050 B, Class I Historic Design Review; and Section 2X.050 C Class II Historic Design Review. Changes that meet the specifications in the exemptions do not require historic design review. Class I Historic Design Review addresses more substantial changes that are still minor in scope. Class II Historic Review is required for major changes including additions and new construction. The processes for Class I and Class II Historic Review are in CDC Chapter 99.

A. EXEMPTIONS FROM HISTORIC DESIGN REVIEW

The following are exempt from historic design review:

1. Ordinary maintenance or repair including a change of facade colors, unless the color is specifically listed in the historic resource inventory, historic resource nomination, or National Register nomination as an attribute that contributes to the resource's historic value.
2. Replacement or addition of gutters and downspouts that are rectangular, ogee, or K-shaped and wood or metal material, or styles and materials that match those that were typically used on similar style buildings of the era, or the era the building style references.
3. Repair of a foundation with the same material or construction of a foundation in the same location that does not result in raising or lowering the building elevation.
4. Replacement of building material, when required due to deterioration of material, with building material that matches the original material.
5. Repair or replacement of roof materials with the roof materials comparable to the existing roof, or replacement of the roof in its entirety with cedar shingles, three tab asphalt shingles, or architectural composition shingles.
6. Replacement of window sashes with new wood sashes, when consistent with the original historic appearance. Elements of consistency include: profile and proportions of the sash, sill, trim, light patterns, glass color, and profile of mullions and muntins.
7. Storm windows made of painted wood, baked enamel, anodized aluminum, or other materials with forms that complement or match the color, detail, and proportions of the building.
8. Addition of egress windows on secondary facades with wood windows or windows that are consistent with the original historic appearance, including the profile of the sash, trim, window plane relative to the building wall plane, light pattern, glass color, profile of the mullions and muntins, and color.
9. Landscaping changes unless the landscaping is identified in the historic resource

nomination, or National Register nomination, as an attribute that contributes to the resource's historic value.

10. Construction of fences that meet the following requirements in addition to the requirements of CDC Chapter 44:
- a. Traditional Fences. Any fence along a front lot line or along the portion of a side lot line between the street and the primary structure which:
 - i. Consists of pickets, each between one and three inches in dimension and spaced equally;
 - ii. Does not have solid portions exceeding 50 percent; and
 - iii. Is no greater than 36" in height.



Figure __: Examples of Fences that Meet Traditional Fence Requirements

- b. General Fences. Any fence that is not located along a front lot line or along the portion of a side lot line between the street and the primary structure that is:
 - i. Constructed of wood fence boards, rails and posts only; and
 - ii. No greater than 72" in height.



Figure __: Examples of Fences that Meet General Fence Requirements

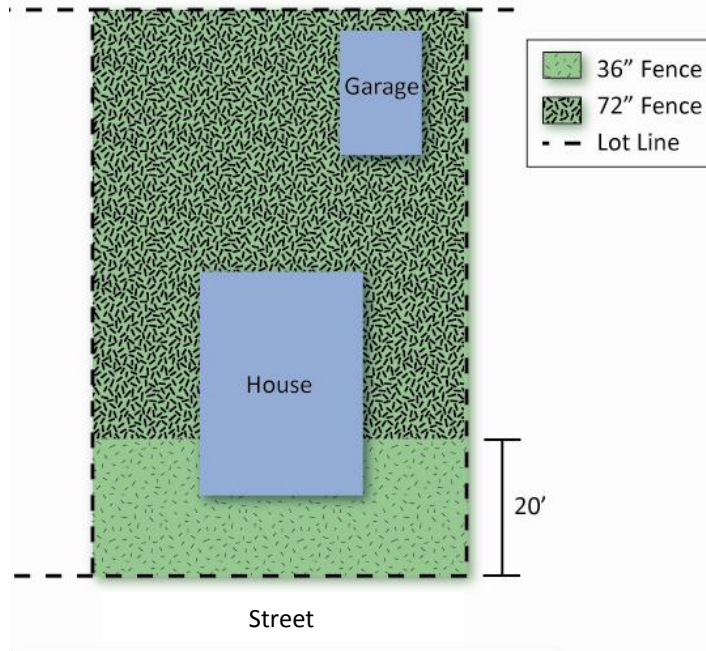


Figure __: Example of Exempt Interior Lot Fence Locations



Figure __: Example of Exempt Corner Lot Fence Locations

11. Construction of walls that meet all of the following requirements:
 - a. No greater than 3 feet high;
 - b. Constructed of basalt, either cultured or rough-stacked; and
 - c. Project above upper grade no greater than 12\".

12. Construction of in-ground swimming pools in rear yards.
13. Replacement or installation of mechanical equipment, if 100% screened by a permitted building, fence, or landscaping that precludes visibility from any street.
14. Replacement or installation of solar energy systems that are not part of a project that includes other elements subject to historic design review, provided the following requirements are met:
 - a. On a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface:
 - i. The solar energy system must be mounted flush or on racks with the system or rack extending no more than 5 feet above the top of the highest point of the roof.
 - ii. The solar energy system must be screened from view from all streets by an existing parapet along the street-facing façade that is as tall as the tallest part of the solar energy system, or by setting the solar energy system back from the roof edges facing the street(s) 4 feet for each foot of solar energy system height.
 - b. On a pitched roof, solar energy systems may be located on a section of pitched roof facing a rear lot line or on a section of pitched roof facing within 45 degrees of the rear lot line. (See the example on the right side of Figure ____). The system must be mounted flush, with the plane of the system parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline.

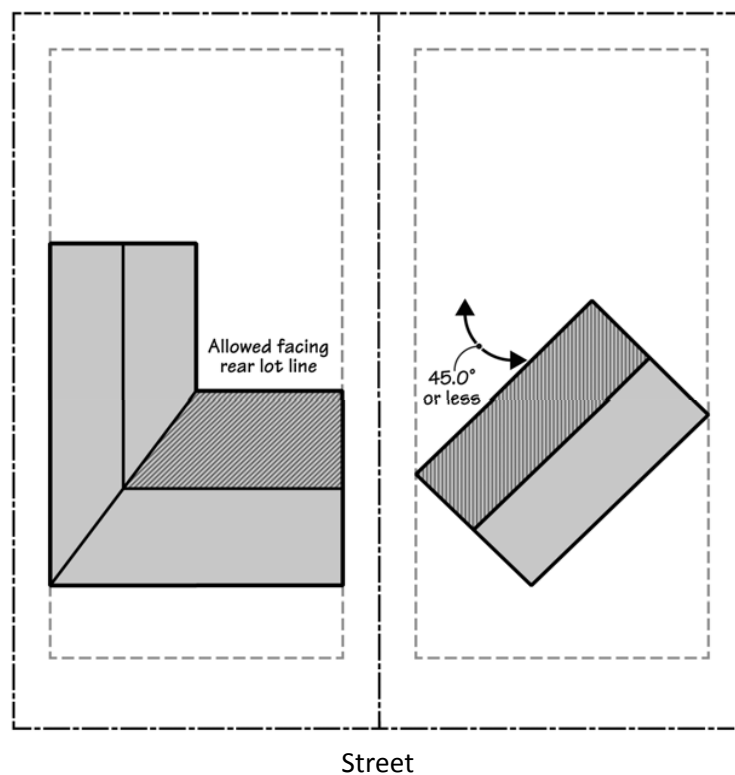


Figure ____: Acceptable Solar Energy System Locations

15. Replacement or installation of skylights that are not part of a project that includes other elements subject to historic design review, provided the following requirements are met:

- a. For skylights that are on a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface. The skylight must be screened from view from all streets by:
 - i. An existing parapet along the street-facing façade that is as tall as the tallest part of the skylight, or
 - ii. Setting the skylight back from the roof edges facing the street 4 feet for each foot of skylight height.
- b. For skylights that are on a pitched roof, the skylight must be flat and must face a rear lot line or be located on a section of a pitched roof that faces within 45 degrees of a rear lot line.

Tubular skylights are exempt. Bubble or sculptural skylights on a pitched roof are not exempt.

16. Replacement and new sidewalks that are compatible in location, pattern, spacing, dimensions, materials, and color with existing walkways.

B. CLASS I HISTORIC DESIGN REVIEW

1. Except as exempt under Section 2X.050 A, the following are subject to Class I Historic Design Review to determine their compliance with the applicable approval standards:

- a. Change in façade color;
- b. Repair, replacement, or installation of gutters and downspouts;
- c. Repair, or construction of a new foundation;
- d. Replacement of building material,;
- e. Repair or replacement of roof materials;
- f. Repair, replacement, or installation of windows, window sashes, or storm windows;
- g. Addition of egress windows;
- h. Landscape changes that require a building or development permit;
- i. Construction of fences;
- j. Construction of walls;
- k. Construction of in-ground pools;
- l. Replacement and installation of mechanical equipment on the exterior of a building;
- m. Replacement or installation of solar energy systems;
- n. Replacement or installation of skylights; and
- o. Replacement or installation of sidewalks.

2. The following are subject to Class I Historic Design Review to determine their compliance with the applicable approval standards:

- a. Alteration of a facade when 100 square feet or less of the structure's facade is being altered;
- b. Replacement or installation of transit shelters;
- c. Modification of an office, commercial, industrial, public or multi-family structure for purposes of enhancing the aesthetics of the building and not increasing the interior usable space (e.g., covered walkways or entryways, addition of unoccupied features such as

- cupolas and clock towers;
- d. Addition or reduction of less than five percent of total square footage of a commercial, office, public, multi-family, or industrial building;
- e. Revised points of ingress/egress to a site;
- f. Proposals seeking compliance with the Americans with Disability Act; and
- g. Construction of freestanding art and statuary over 10 feet tall.

C. CLASS II HISTORIC DESIGN REVIEW

All proposed new construction, alterations, and additions, not identified as exempt under Section 2X.050 A or subject to Class I Historic Design Review under Section 2X.050 B are subject to Class II Historic Design Review to determine their compliance with the applicable approval standards.

DESIGN REVIEW PROVISIONS

Section 2X.060

DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES

The following design standards apply to all changes, including alterations, additions, and new construction proposed on a designated historic resource. These standards are intended to preserve the qualities that made the resources eligible for historic designation. Development subject to these regulations must be found to be compliant with the applicable standards, or approved through the Modifications process in accordance with Section 2X.040.

A. STANDARDS FOR ALTERATIONS AND ADDITIONS

This section applies to historic reviews for alteration of and additions to designated historic resources:

- 1. Retention of Original Construction.** The original construction shall be maintained or restored to the greatest extent practicable. Stylistic features of original construction that shall be preserved include: a line of columns, decorative shingles, projecting bays, other primary structural elements, spatial relationships that characterize the property, examples of skilled craftsmanship that characterize the structure, and architectural details defining the structure's character and historic significance.
- 2. Retention of Historic Material.** Removal or alteration of historic materials and features shall be avoided during the construction of new additions or exterior alterations. Whenever possible, deteriorated materials and architectural features shall be repaired rather than replaced. In the event replacement of an existing feature is necessary, new materials shall match those of the original structure to the extent possible in terms of composition, design, color, texture, and other visual qualities.
- 3. Time Period Consistency.** Structures shall be recognizable as products of their own time. Alterations which have no historical basis or which seek to create a false sense of historical development are not allowed.
- 4. Significance over Time.** Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- 5. Differentiate Old from New.** Alterations and additions shall be differentiated from the original structures and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property.

6. **Reversibility.** Additions and alterations shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
7. **Building Additions.** Building additions shall be subordinate to the original building, smaller in scale, and attached to the rear or set back along the side. Features of building additions, including the proportions of window and door openings, shall be compatible with those of the existing building.
8. **Building Height and Roof Pitch.** Existing or historic building heights and roof pitch shall be maintained.
9. **Roof Materials.** Replacement of roof materials with non-exempt materials must be based on photographic or other evidence to be in character with those of the original roof, or with materials that are consistent with the original construction or common in the district.
10. **Windows.** New windows shall match the visual qualities of the original windows as closely as possible. Wood window frames and sashes shall be used unless the applicant demonstrates that the non-wood windows exhibit visual qualities similar to their wooden counterparts. The window trim and sill shall match the original trim.
11. **Window Replacement.** Replacement of windows or window sashes with non-exempt materials shall be consistent with the original historic appearance, including the profile of the sash, sill, trim, window plane relative to the building wall plane, light pattern, glass color, profile of mullions and muntins, and color (provided painting the factory material would void the warranty).
12. **Porches.** No front porch shall be constructed if there was not one historically. Existing front porches shall not be enclosed. Alterations to existing front porches and side yard porches that face a street shall:
 - i. Maintain the shape and width of the original columns; and
 - ii. Maintain the height, detail and spacing of the original balustrade.
13. **Decks.** Decks shall be located in a side or rear yard. Decks located in the side yard of a corner lot shall be located to the rear of the primary structure.
14. **Foundations.** Repair or construction of a foundation that results in raising or lowering the building elevation must be based on:
 - i. Photographic or other evidence that it is consistent with the original design and, if applicable, is consistent in the context of adjacent and other structures on the block; or
 - ii. A requirement of the building code and floodplain regulations (CDC Chapter 27).
15. **Public Improvements.** Public improvements shall not significantly alter the district's built pattern. Visible features shall be constructed to complement the nature of the historic district or appropriately screened to cover the feature. Materials shall be those that were typical of the historic period including concrete, wood, and metal.
16. **Lighting.** Residential lighting shall be small scale, shielded to prevent glare, and visually compatible with the architectural character of the building. Industrial or out of scale fixtures are not permitted. Blinking, flashing, or moving lighting are not permitted.
17. **Archeological Resources.** Archeological resources shall be protected and preserved, consistent with applicable state requirements.

B. STANDARDS FOR ACCESSORY STRUCTURES

The following standards apply to accessory structures on properties designated as historic resources in addition to the regulations in CDC Chapter 34:

- 1. Conversions and Additions.** Existing detached unheated structures, including but not limited to workshops and garages, may be converted into other allowable accessory uses under the following conditions:
 - a. The structure is located behind the house's front building line;
 - b. Structures in the front yard cannot be converted to a heated accessory structure;
 - c. A story may be added to an existing garage or similar accessory structure, provided that the final design meets the setback standards of this chapter for two-story accessory structures (see 2X.070 C(2)); and
 - d. The conversion of an existing structure is not required to meet the design standards in CDC 34.030, but it must conform to all applicable requirements of this chapter.
- 2. Location.**
 - a. Accessory structures in the Willamette Historic District are subject to the setback requirements of Section 2X.070 C(1) through 2X.070 C(4); or
 - b. Accessory structures on historic landmark properties must meet the setback requirements of the underlying zone.
 - c. Detached accessory structures shall be in the rear yard; and
 - d. Two-story accessory structures shall be at least 10 feet from the house; or One-story accessory structures may be 3 feet from the house.
- 3. Height.** Accessory structures in the Willamette Historic District are subject to Subsection 2X.070 C(8). Accessory structures on historic landmark properties must meet the height requirements of the underlying zone.

Section 2X.070 ADDITIONAL STANDARDS APPLICABLE TO HISTORIC DISTRICTS

This section provides additional standards that are to be applicable to historic reviews for historic district properties.

A. STANDARDS FOR ALTERATIONS AND ADDITIONS

In addition to any other applicable standards, the standards in this section apply to sites and structures within an historic district.

- 1. Compatibility with Nearby Context.** Alterations and additions shall be
 - a. Compatible in scale and mass to adjacent properties, and
 - b. Shall maintain the privacy of the residents of adjacent properties through window placement, orientation or landscaping.
- 2. Not in Period Buildings.** Alterations to compatible, not in period buildings shall follow all applicable standards of this Chapter to avoid creating a false sense of history.
- 3. Non-Compatible Buildings.** Alterations to non-compatible, not in period buildings shall be consistent with applicable standards in Sections 2X.060 A and 2X.070 A(1). Such buildings do not contribute to the historic value of the district and are not subject to standards pertaining to siding, windows, and other materials listed in Section 2X.060 A; however, such buildings shall not be so stylistically different from adjacent structures

that they detract from the district's historic character.

B. STANDARDS FOR NEW CONSTRUCTION

Since designated historic districts are significant as a collective whole they must be considered as such and protected in their entirety. The standards in this section apply only to new construction in a historic district beyond alterations and additions, and including accessory structures. These standards shall apply in addition to any other applicable standards (see the Standards Applicability Matrix in Section 2X.020).

1. The District is the Resource, Not its Individual Parts.

New construction must be compatible with the architectural styles, scale, mass, proportion, materials, and form of the district as a whole.

- a. As applicable, the National Register or local nomination is the primary source for district significance and defining characteristics, and should inform the design of new construction.
- b. Reconstruction of Previously Existent Structures. The district is the resource; therefore, the reconstruction of buildings that existed within the district during the period of significance is allowed. Reconstructions should be done in accordance with the Secretary of the Interior's Standards for Reconstruction.

2. New Construction Shall Reinforce the Historic Significance of the District.

Infill buildings and site development shall relate to and strengthen the core characteristics of the district, without replicating the historic structures. Infill buildings shall not deviate in a detracting manner from the core characteristics of the district, but appear as compatible, complementary structures in the district.

3. New Construction Shall Complement and Support the District.

The historic district has a discernible aesthetic rhythm of massing, scale, and siting. Infill buildings shall not deviate in a detracting manner from these elements, but appear as complementary members of the district.

- a. Lot size, massing, siting, floor area ratio, fenestration patterns, building divisions, and height must correspond to the contributing buildings within the district, and meet any specific historic district standards.
- b. Infill buildings shall be differentiated by use of materials, mechanical systems, construction methods, and signage. Style is discouraged from being the primary indicator of differentiation.
- c. Mechanical and automobile infrastructure must be appropriately concealed when not consistent with the district's character.

4. Archeological Resources Shall Be Preserved in Place or Mitigated

When new construction must disturb archaeological resources, mitigation measures shall be carried out consistent with applicable state and federal laws. As appropriate, information yielded from archaeological mitigation will be interpreted in the new building and mitigation may be accessible to the general public.

C. WILLAMETTE HISTORIC DISTRICT GENERAL DESIGN STANDARDS

This section applies only to alterations and additions, new construction, and accessory structure construction in the Willamette Historic District.

1. Front Yard Setback

- a. The front yard setback shall be the distance measured from the front property line to the dominant vertical face of the building, exclusive of any porches or front landings. It shall equal the average of the front setbacks of adjacent homes on the block face. For corner lots, the setback shall be the average between the adjacent house to the side and 20 feet.
- b. Unenclosed porches with no living space above may encroach into the front yard setback six feet from the dominant vertical face of the building.



Figure __: Front Yard Setback

- 2. Side Yard Setback.** Side yard setbacks shall be five feet, except:
 - a. Bays, porches and chimneys and other projections constituting cumulatively no more than twenty percent of the overall respective building wall length may intrude 18 inches into the side yard setback.
 - b. One story accessory structures may be sited within 3 feet of the side property line and two story accessory structures shall be a minimum of 15 feet from the side property line.
- 3. Side Street Setback.** Setbacks from side streets shall be 10 feet for both developed and undeveloped streets, except:
 - a. Bays, porches and chimneys and other projections may intrude 24 inches into side street yard setback.
 - b. One and two story accessory structures may be sited within 5 feet of the side street property line.
- 4. Rear Yard Setback.** The rear yard setback shall be a minimum of 20 feet, except for accessory structures, which may be sited to within three feet of the rear property lines.
- 5. Orientation.** New home construction on corner lots shall be oriented the same direction as the majority of homes on the street.
- 6. New Lot Configuration.** In addition to other requirements of the CDC, all new lots

in the historic district shall be perpendicular to the street and extend directly from the street lot line to the opposite lot line.

7. Building Height.

- a. No building shall exceed two and one half stories, except cupolas and towers which shall not exceed 50 feet.
- b. One story accessory structures shall not exceed a height of 15 feet. Any one story accessory structure over 15 feet is considered a two story structure.
- c. Two-story accessory structures shall not exceed the maximum height of 23 feet as measured per CDC Chapter 41.
- d. Accessory structures shall not exceed the height of the primary dwelling.

8. Building Shapes and Sizes. No building shall exceed 35 feet in overall width. The end-wall gables shall not exceed 28 feet in overall width.

9. Roof Pitch. Roofs shall have a pitch of at least 6:12.

10. Siding and Exterior Finish. Exteriors shall be painted, not stained.

11. Garage Access and Parking Areas

- a. Garages shall be accessed from an alley, if present. No garage door may face or have access onto a street except when alley access is not available.
- b. Parking areas.
 - i. No residential lot shall be converted solely to parking use.
 - ii. No rear yard area shall be converted solely to parking use.
 - iii. When a lot is adjacent to an alley, all parking access shall be from the alley.

Section 2X.080 APPLICATION REQUIREMENTS

In addition to other applicable submittal requirements, an application for Historic Design Review shall include the following:

- A. Written narrative explaining the proposal and how it meets the approval criteria.
- B. Plan and elevation drawings of the existing building, if applicable, or structure, including materials;
- C. Plan and elevation drawings of the proposed changes, including materials;
- D. Photos of the existing building or structure, if applicable;
- E. Historic photos and/or drawings of the existing building or structure, if available; and
- F. For additions that increase the gross square footage of the structures on the site by more than fifty percent, and/or new construction in a historic district:
 1. Plan and elevation drawings of adjacent properties; and
 2. A rendering and/or photo-simulation showing the proposal in context.

HISTORIC RESOURCE DESIGNATION, REMOVAL OF DESIGNATION, RELOCATION, DEMOLITION, AND DEMOLITION BY NEGLECT PROVISIONS
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Section 2X.090 DESIGNATION OF A HISTORIC RESOURCE

The designation of historic resources shall comply with the following criteria, provided that the age of a specific building shall not be deemed sufficient in itself to warrant designation of a building as historic.

A. APPROVAL CRITERIA

The approval authority may designate other proposed historic resources if it determines that the site or district proposed for designation:

1. Is associated with an event or events that made a significant contribution to the history of the city, county, state or nation;
2. Is associated with the life or lives of a significant person or people in the history of the city, county, state or nation;
3. Embodies distinctive architectural characteristics of a type, style, period or method of construction;
4. Represents the work of a master builder, designer, or architect who influenced the development of the city, county, state or nation; or
5. Has yielded, or will likely yield, information important in prehistory or history.

B. PENDING DESIGNATION - ISSUANCE OF PERMITS

No building permit for altering, moving, or demolishing any proposed historic resource shall be issued while any advertised public hearing or any appeal affecting the proposed designation of the area or building is pending.

C. OWNER CONSENT

1. **Historic Landmarks.** The property owner must consent, in writing, to a proposed Historic Landmark designation; however, properties listed on the National Register shall be regulated as historic landmarks without the consent of the owner.
2. **Historic Districts.** A property owner may refuse to consent to historic district designation at any point during the designation process. Properties in historic districts listed on the National Register shall be regulated as historic properties without the consent of the owner.

Section 2X.100 REMOVAL OF HISTORIC RESOURCE DESIGNATION

These provisions allow for the removal of the City's historic designation when it is no longer appropriate. This review does not affect a property or district's listing on the National Register. The importance to the public of retaining the historic resource shall be weighed against the hardship to the owner and any potential hazard to the public if the historic resource is retained.

Proposals to remove historic resource designation shall be approved if the approval authority finds that removal of the designation is appropriate after considering the following factors:

A. Assessment of Designation. The approval authority shall consider:

1. Whether the historic resources meets the criteria for listing,
2. The physical condition of the historic resource and any loss of characteristics that originally cause it to be listed,
3. The historic or architectural significance of the historic resource,
4. The economic use of the historic resource and any economic benefits associated with the proposed new use of the property, and
5. If within a historic district, its contribution to the district and the affect on the district if the designation is removed.

B. Owner Consent.

1. For historic landmark properties, the property owner at the time of designation must have objected, on the record, to the historic designation.
2. For properties in historic districts the property owner at the time of designation must have objected, on the record, to inclusion in the district.

Section 2X.110 RELOCATION OF A HISTORIC RESOURCE

Moving a historic structure is generally discouraged. However, in some cases relocation is preferable to loss of the structure. The following requirements apply to the relocation of historic resources.

- A. All reasonable alternatives to relocation must be explored; with documentation provided demonstrating that relocation is the preferred alternative.
- B. Historic building and site conditions prior to relocation must be recorded, including detailed photography, notes, drawings, and reference measurements.
- C. Moving procedures must protect historic elements. Clearly stated procedures must be provided to document the relocation, including: plans for minimizing damage to historic materials, labeling system for dismembered elements to assure accurate reconstruction in the new location, and plans for protecting the historic resource until reconstruction is complete.
- D. The building should be located on the new site in a manner that does not change its historic orientation to the street, adjacent properties, and the overall site. Considerations should include:
 1. Maintaining relatively similar setbacks, side yard conditions, and relationship to other structures on the site;
 2. Maintaining character similar to the historic site in terms of neighboring buildings, materials, site relationships and age (for example it should not be moved to the back of a lot if that was not the character of the historic location, nor should it be located on a corner lot if historically it was on an interior lot); and
 3. If it can be demonstrated that it is not economically or physically feasible to locate the building on a site that meets the characteristics in (1) and (2) an alternate site may be considered.
- E. There must be a recorded commitment to complete the relocation and subsequent rehabilitation of the building and its new site. Bonding or other assurances may be required. Temporary relocations for interim construction may be necessary and must require a plan for protecting the structure at the interim site as well as a commitment to a schedule for completion of relocation to the proposed new site.

Section 2X.120 DEMOLITION OF A HISTORIC RESOURCE**A. APPLICABILITY**

A permit for demolition of a historic resource is required and shall not be issued without approval by the Planning Director or Historic Review Board, as applicable.

Nothing contained in this section shall be interpreted as giving permission for any person to violate an order of the Building Official to remove or demolish a structure that the Building

Official has designated as dangerous to life, health, or property.

B. APPLICATION REQUIREMENTS

1. An application for the demolition of a historic landmark or primary contributing structure shall include:
 - a. Statement of the historic value and significance of the structure or resource to the community, taking into consideration its designation as a historic landmark or its contributing status in a historic district.
 - b. Documentation of good faith efforts by the property owner, lessee, or renter of the structure or resource including:
 - i. Real estate taxes for the two years immediately preceding the application;
 - ii. Assessed value for the two years immediately preceding the application;
 - iii. Current fair market value of the structure or resource as determined by an appraiser;
 - iv. All listings for the structure or resource for the past two years including prices asked and offers received; and
 - v. Documentation of all attempts to relocate the structure or resource.
 - c. Report from a structural engineer on the condition of the structure or resource.
 - d. Estimated cost of rehabilitation of the structure or resource.
 - e. Report from a real estate or other market professional identifying potential alternative uses for the structure or resource permitted within the existing zoning classification.
 - f. Report identifying available economic incentives for adaptive reuse of the structure or resource.
 - g. A proposed plan for redevelopment of the site on which the structure or resource is located.
2. An application for the demolition of a non-contributing or not in period primary structure or an accessory structure shall include:
 - a. A statement of the historic value and significance of the building or resource to the community, taking into consideration its location on the site of a historic landmark or within a historic district.
 - b. A proposed plan for redevelopment of the site on which the structure or resource is located.

C. APPROVAL CRITERIA

1. An application for the demolition of a historic landmark or primary contributing structure shall be approved if the following criteria are met:
 - a. The value to the community of the proposed use of the property outweighs the value of retaining the designated historic resource on the present site.
 - b. The designated historic resource is not capable of generating a reasonable economic return and the demolition is economically necessary.
 - c. The owner has made a good faith effort to sell or relocate the designated resource.
 - d. No practicable alternative exists to rehabilitate and reuse the designated resource in its present location.

2. An application for the demolition of a non-contributing primary structure or an accessory structure shall be approved if the value to the community of the proposed use of the property outweighs the value of retaining the existing structure on the present site.

D. ISSUANCE OF PERMITS

A demolition permit for a historic resource shall not be issued prior to historic design review and any other required approval of plans for the site, if applicable, or the submittal of building plans for a permit for the site.

Section 2X.130 DEMOLITION BY NEGLECT

All properties designated as historic resources shall comply with this section.

A. CRITERIA FOR DETERMINATION OF DEMOLITION BY NEGLECT

If one or more of the following is promoted, allowed to occur, or exist in a historic resource the property is determined to meet the criteria for demolition by neglect and enforcement action to remedy the criteria that are present may be taken pursuant to CDC Chapter 106, Enforcement:

1. Faults, defects, or other conditions which render the building or resource structurally unsafe or not properly watertight.
2. Walls or support members that are deteriorated due to failure to paint or otherwise maintain the structure or resource.
3. Failure to keep windows and doors secured in a manner that prevents the entry by unauthorized persons.
4. Failure to maintain parts of the resource so they are securely attached and will not fall or injure persons or property.
5. Deteriorated or inadequate foundation.
6. Deteriorated floor supports or floor supports that are insufficient to carry imposed loads with safety.
7. Members of walls, or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
8. Members of walls, or other vertical supports that are insufficient to carry imposed loads with safety.
9. Members of ceiling, roofs, ceiling and roof supports, or other horizontal members such that they sag, split, or buckle due to defective material or deterioration.
10. Members of ceilings, roofs, or their supports, or other horizontal members that insufficient to carry imposed loads with safety.
11. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.

B. ABATEMENT

Nothing in this section shall prevent the abatement of the unsafe or dangerous condition of a historic resource that constitutes an imminent and serious threat to public safety.

CDC Chapter 99

(Staff Comment: Proposed additions to the text are marked with an underline and deletions with a strikethrough. Amend Section 99.060 A(1) (under Approval Authority) to add the following subsections (v) and (w) giving the Planning Director authority to approve Class I Historic Design Review and demolition permits for non-contributing or not in period primary structures or an accessory structure since these structures typically do not have, or do not have as high a level of, significance or integrity

A. Planning Director authority. The Planning Director shall have the authority to:

1. Approve, deny, or approve with conditions the following applications:

...

v. Class I Historic Design Review

w. A demolition permit for a non-contributing or not in period primary structure or an accessory structure

(Staff Comment: Amend Section 99.060 D as below to give the Historic Review Board Authority for Class II Historic Design Review and a demolition permit for a primary contributing structure. These structures are of greater significance and have a higher level of integrity.)

D. Historic Review Board authority. The Historic Review Board shall review an application for compliance with CDC Chapters 2X 25, 26, and 58 CDC, as applicable. The Historic Review Board shall have the authority to:

1. Approve, deny, or approve with conditions an application regarding the following:

a. Class II Historic Design Review:

~~Major or minor remodel, alteration, or addition to a historic landmark or property within a historic district;~~

~~b. New construction within a historic district;~~

~~c. Construction of a non-exempt accessory structure or garage on a historic landmark property, or property within a historic district;~~

b d. A demolition permit for a historic landmark or primary contributing structure property within a historic district;

c e. Revocation or modification of an approval as provided by CDC 99.330 for any application approved by the Historic Review Board; and

d f. An extension of an approval when the Historic Review Board acted as the initial decision-making authority.

2. Make recommendations to the approval authority specified in this section regarding the following:

a. Designation of a historic resource~~landmark or a historic district;~~

b. Major or minor remodel, alteration, or addition to a property within the Willamette Falls Drive Commercial District that is not a historic landmark or within the Willamette Historic District;

c. New construction within the Willamette Falls Drive Commercial District that is not a historic landmark or within the Willamette Historic District;

d. A partition or subdivision of property containing a historic resource~~landmark or property within a historic district;~~

- e. Conditional use of property containing a historic landmark; and
- f. A zone change for property containing a historic resource landmark or ~~property within a historic district.~~